



## **Floor Prep**

### **H.Res. 6 - Adopting the Rules of the House of Representatives for the One Hundred Tenth Congress**

**January 4, 2007**

#### **Floor Situation:**

The House of Representatives is not a continuing body; it has to reconstitute itself at the beginning of every new Congress. This requires the election of a new Speaker and the adoption of rules to govern the House during the Congress.

The normal process is for the new rules package to approve the rules governing the previous Congress as a base, and then to include a series of amendments for any proposed changes. H.Res. 6 follows this pattern.

Pursuant to H.Res. 5 (which will be considered first and provides for consideration of H.Res. 6), the Democrats created a structure which would provide for consideration of the rules package in 5 distinct titles. The first title is expected to adopt the 109<sup>th</sup> rules to be used as a base text for the purposes of amending. These base rules have governed the House over the last two years and were originally adopted by the Republican majority in January of 2005 on opening day of the 109<sup>th</sup> Congress.

During the debate on the Democrats' rules package, Republicans will have three opportunities to impact the outcome of the package outside of up or down votes on each of the five titles. These opportunities are:

- Previous Question on H.Res. 5
- Motion to Commit on H.Res. 5
- Motion to Commit on H.Res. 6

The following five titles are expected to be considered over the next two days (Titles I and II today / Titles III – V tomorrow) with no ability for Republicans to amend. Each title will be subject to an up or down vote.

The Motion to Commit on H.Res 6 will be the final vote after concluding debate on Title V. There is no final passage vote on the entire package.

**Summary:**

**Title I (30 minutes equally divided)**

This title simply would adopt the rules of the 109<sup>th</sup> Congress. The adoption of the Rules of the 109<sup>th</sup> Congress, as previously stated, is a traditional practice in order to have a base text to amend further. The majority of the rules from the 109<sup>th</sup> Congress will remain in place with several possible changes through a further amendment process.

**Amendment II – Ethics (60 minutes equally divided)**

Several of the provisions included in this title are similar or identical to provisions in the Lobbying, Accountability and Transparency Act of 2006 (H.R. 4975), which passed the House of Representatives in the 109<sup>th</sup> Congress by the Republican majority.

The major provisions in this title include:

- Bars Members of the House of Representatives from influencing the hiring decisions of private sector employers based on partisan political affiliation by threatening, offering, or withholding official acts. This is an amendment to the Code of Official Conduct, which is within the jurisdiction of the House Committee on Standards. (Title II, section 202)

*\*Note: This provision was adopted in Section 203 of H.R. 4975, the Lobbying Accountability and Transparency Act of 2006, which passed the House on May 3, 2006.*

- Bars Members and employees of the House from knowingly accepting gifts from lobbyists and foreign or private entities that employ lobbyists regardless of value, but leaves in place current exemptions. (Title II, section 203)
- Event tickets are valued at the face value of the ticket (which must be the same ticket price available to the public), and tickets without a face value will be assessed at the highest cost of a ticket with a face value to the event. (Title II, section 204)

*\*Note: This provision was adopted in Section 304 of H.R. 4975, the Lobbying Accountability and Transparency Act of 2006, which passed the House on May 3, 2006.*

- Members may not receive a private reimbursement for travel expenses for trips:

- 1) With a lobbyist or where a lobbyist accompanies the Member on any portion of the trip.
- 2) From a private entity where lobbyists have had any involvement in planning, organization, requesting, or arranging the trip

Institutions of higher education are exempted as established by the Higher Education Act of 1965.

Requires Members of the House of Representatives to seek prior approval from the Ethics Committee for travel funded by any private source and submit a written certification to the committee that no lobbyists are funding or in any way facilitating the trip before accepting any invitation for private travel.

Shortens the deadline for filing disclosures from 30 to 15 days. (Title II, section 206)

- Members of the House of Representatives may not use personal, official, or campaign funds to pay for travel on privately owned, non commercial planes. (Title II, section 207)
- The Ethics Committee will devise a set of guidelines for determining”
  - 1) A reasonable connection between a trip and official duties
  - 2) a reasonable amount of money a trip sponsor may spend
  - 3) a reasonable relationship between a trip and a related official purpose

Guidelines are to be made taking into account government official travel per diem rates. (Title II, section 208)

*\*Note: The House adopted a similar provision in Section 301 of H.R. 4975, The Lobbying Accountability and Transparency Act of 2006, which passed the House on May 3, 2006.*

- The Ethics Committee will offer ethics training to all Members, officers and appropriate employees of the House. Additionally, House officers and appropriate employees are required to annually certify completion of the ethics training. (Title II, section 211)

*\*Note: The House adopted a similar requirement in Section 502 of H.R. 4975, The Lobbying Accountability and Transparency Act of 2006, which passed the House on May 3, 2006. The requirements in H.R. 4975 did not apply to Members, but included an enforcement provision to withhold the pay of any personnel who did not complete the ethics training.*

- H.R. 1 through H.R. 10 are reserved for the Speaker of the House of Representatives. (Title II, section 217)
- Makes the following changes to committee names:
  - “Committee on Education and the Workforce” renamed the “Committee on Education and Labor.” (Title II, section 212)
  - “Committee on International Relations” renamed the “Committee on Foreign Affairs.” (Title II, section 213)
  - “Committee on Resources” renamed the “Committee on Natural Resources.” (Title II, section 214)
  - “Committee on Government Reform” renamed “Committee on Oversight and Government Reform.” (Title II, section 215)
  - “Committee on Science” renamed “Committee on Science and Technology.” (Title II, section 216)

### **Amendment III – Civility (60 minutes equally divided)**

This title of the Democrat Rules package will highlight – to varying degrees – the commitments Democrats made during the 109<sup>th</sup> Congress as part of their pledge to fully include the minority in the legislative process. Several of these provisions are similar to three pieces of legislation introduced by Democrats in the 109<sup>th</sup> Congress, which outlined their plans for procedural guarantees for the 110th Congress – HR 4682, H.Res. 686 and H.Res. 659. Several major provisions from text of these proposals, however, were not included in the Democrat Rules package for the 110th Congress, such as a minimum of 24-hour availability of legislative text for the minority.

The major provisions in this title include:

- Prohibits a recorded vote from being kept open for the “sole purpose” (not defined) of reversing the outcome of a vote. (Title III, section 302)
- Requires managers on the House side to “endeavor to ensure” (not defined) that:
  - 1) Meetings to discuss differences occur only when every manager has notice of a meeting and reasonable opportunity to attend.
  - 2) All provisions on which the two Houses disagree are considered as open to discussion.

3) A conference agreement cannot be changed unless all managers from the House of Representatives are given the opportunity to reconsider their decision to sign the conference report, subject to a point of order.

4) Managers on the part of the House of Representatives are to be provided a unitary time and place to record their approval (or to not do so) of the final conference agreement.

Prohibits consideration of a conference report in which the text differs in any way, other than clerical, from the text that was signed by the conferees. (Title III, section 303)

*\*Note: Due to conflicting rules of the House and Senate, any attempt by a single chamber to dictate procedure in a conference is non-binding.*

#### **Amendment IV – Fiscal Responsibility (60 minutes equally divided)**

The major provisions in this title include:

- Prohibits consideration of legislation during the budgetary process that contains reconciliation instructions that have the net effect of increasing the deficit or lowering a surplus as compared to what would be projected to be the case for the current fiscal year and either the five or ten following fiscal years. (Title IV, section 402)
- Makes provisions made in order by the Rules Committee subject to the Budget Act. (Title IV, section 403)
- Requires committee reports/ amendments/ conference reports to include a list of congressional earmarks, limited tax benefits, and limited tariff benefits (see definitions below\*) in the bill or a statement that none of the above are included in the legislation. In the case of legislation not reported by a committee, the Chairman of each committee of initial referral is required to include the same information. Either a Committee Report which does not contain the above mentioned list or a rule seeking to waive this provision would be subject to a point of order.

Makes it a violation of the Rules of the House of Representatives for a Member to condition his or her vote on a piece of legislation on the inclusion of a district-oriented earmark, limited tax benefit, or limited tariff benefit. Every requested earmark, limited tax benefit, or limited tariff benefit, requires written request to the Chairman and Ranking Member of the Committee (or Appropriations Subcommittee). Request must include:

- 1) Name of Member making request.

2) Name and address of intended recipient of the earmark or the entities expected to benefit in the case of a limited tax or tariff benefit.

3) Purpose of the earmark or limited tax or tariff benefit.

4) Certification that the Member or the spouse of a Member has no financial interest in the provision. Each committee is required to maintain all information provided and make available for public inspection.

\*Definitions

“Congressional earmark” is defined by H.Res. 6 as a provision included primarily at the behest of a Member or Senator for an expenditure to a specific entity such as a state, locality, or Congressional district by a process other than through a statutory or administrative formula-driven or competitive award process.

“Limited tax benefit” is defined by H.Res. 6 as a revenue-losing provision that provides a tax benefit to ten or fewer beneficiaries and also contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of the provision or any provision that provides relief for only one beneficiary.

“Limited tariff benefit” is defined by H.Res. 6 as a provision that modifies the Harmonized Tariff Schedule in a manner that benefits fewer than 10 entities. (Title IV, section 404)

- “PAYGO” point of order. H.Res. 6 prohibits consideration of any bill, joint resolution, amendment, or conference report that has tax and spending provisions which have the net effect of increasing the deficit or reducing the surplus for the current fiscal year and either the following five or ten fiscal years. CBO will determine the budgetary impact estimates. Whether a measure is counted as having the effect of increasing the deficit is based on the budget baseline from current law. (Title IV, section 405)

*\*Note: This provision applies PAYGO to taxes*

**Title V – Miscellaneous (10 minutes equally divided)**

This title includes many distinct provisions that address committee procedures, floor procedures for the 100 hours agenda, and traditional language to deem the current budget adopted by the House during the 109<sup>th</sup> Congress.

The major provisions in this title include:

- Allows for consideration of H.R. 1, H.R. 2, H.R. 3, H.R. 4, and a resolution on the creation of a 9/11 Select Panel. (Title V, sections 506-510)

*\*Note: This provision circumvents the Rules Committee and regular order to allow the Democrats to bring their 100 hours agenda to the floor under closed rules*

- If notified of an imminent threat in the Committee of the Whole House on the state of the Union, the Chairman of the Committee on the Whole may declare an emergency recess subject to the call of the Chair. (Title V, section 505)

*\*Note: This provision is similar to provisions Republicans passed in HR 841 (Section 2), which passed the House on March 3, 2005*

- Exempts the Committee on Rules from the requirement to fully disclose votes taken in the committee on a specific measure. Current rule requires that with respect to each recorded vote on a motion to report a measure or matter of a public nature, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of members voting for and against, shall be included in the committee report. (Title V, section 503)

*\*Note: The requirement to fully disclose votes was a reform within the Contract with America.*

- The Oversight and Government Reform Committee may adopt a rule authorizing and regulating the taking of depositions by a Member or counsel of the committee. These depositions may be taken under oath. (Title V, section 503)

*\*Note: This authority has been given in the past for specific purposes or time periods. This is the only committee granted such expansion of authority.*

- The Committees on Armed Services and Foreign Affairs may have up to seven subcommittees, and the Committee on Transportation and Infrastructure may have up to six subcommittees, notwithstanding clause 5(d) of rule X that allows for up to five subcommittees on each committee. (Title V, section 511)

- Deems for the purpose of budget enforcement H.Con.Res. 376 effectively maintaining FY07 spending levels pending further Federal appropriations (Title V, section 511)

*\*Note: H.Con.Res. 376, the Budget Resolution for 2007, passed the House on May 18, 2006*

- Makes technical changes to replace the “Director of the Central Intelligence” with the “Director of National Intelligence” at appropriate places. (Title V, section 504)

- No registered lobbyists as defined under the Lobbying Disclosure Act of 1995 may gain access to any exercise facility which is made available to Members. (Title V, section 511)

**(At this point in debate, Republicans will offer their final motion to commit)**

**Additional Information:**

**RULES OF THE HOUSE OF REPRESENTATIVES  
109<sup>TH</sup> CONGRESS  
SUMMARY**

- I.     [The Speaker](#)  
Details all of the duties and responsibilities of the Office of the Speaker
- II.    [Other Officers and Officials](#)  
Details all of the duties and responsibilities of the elected officers and appointed officials of the House
- III.   [The Members, Delegates, and Resident Commissioner of Puerto Rico](#)  
Explains the voting rights of Members, Delegates, and the Resident Commissioner
- IV.    [The Hall of the House](#)  
Provides the guidelines for the use of the House Chamber and public galleries
- V.     [Broadcasting the House](#)  
Provides guidelines for C-SPAN
- VI.    [Official Reporters and News Media Galleries](#)  
Establishes the House Press Galleries and provides for the stenographers and official reporters in the Clerk's Office
- VII.   [Records of the House](#)  
Details the recording of Congressional documents and their public availability
- VIII.   [Response to Subpoenas](#)  
Provides a process to follow when a Member, Delegate, Resident Commissioner, officer, or employee of the House is served with a



subpoena

- IX. [Questions of Privilege](#)  
Provides a process by which a Member can defend his/her dignity and/or the integrity of the House
- X. [Organization of Committees](#)  
Details committee jurisdiction, oversight responsibilities, Membership, staffing, and funding
- XI. [Procedures of Committees and Unfinished Business](#)  
Provides general committee procedures, including voting regulations, record-keeping, disclosure requirements, and hearing procedures
- XII. [Receipt and Referral of Measures and Matters](#)  
Details the legislative process as it applies to the introduction and referral of bills, and messages from other government sectors
- XIII. [Calendars and Committee Reports](#)  
Explains the different House calendars and the reports issued by House committees
- XIV. [Order and Priority of Business](#)  
Lays out the daily order of business on the House Floor
- XV. [Business in Order on Special Days](#)  
Explains suspensions, discharge motions, the private calendar, and other special circumstances
- XVI. [Motions and Amendments](#)  
Delineates the different motions that can be made in the House and their order of precedence
- XVII. [Decorum and Debate](#)  
Lays out the rules of order for Members during House debate
- XVIII. [The Committee of the Whole House on the State of the Union](#)  
Explains the procedures used when the House dissolves into the Committee of the Whole
- XIX. [Motions Following the Amendment Stage](#)

Explains the previous question, motion to recommit, and motion to reconsider

XX. [Voting and Quorum Calls](#)

Provides for all different voting scenarios

XXI. [Restrictions on Certain Bills](#)

Lays out special circumstances in the consideration of appropriations and tax bills

XXII. [House and Senate Relations](#)

Provides the procedure for House-Senate Conferences to reconcile differing bills

XXIII. [Code of Official Conduct](#)

Details how Members and House employees should conduct themselves and what they are required to do

XXIV. [Limitations on Use of Official Funds](#)

Contains guidelines on the use of official and unofficial accounts and Members' franks

XXV. [Limitations on Outside Earned Income and Acceptance of Gifts](#)

Details limits on outside earned income, including royalty payments, and lists gift regulations and restrictions

XXVI. [Financial Disclosure](#)

Requires financial disclosure from Members and staff, and details reporting requirements and public availability

XXVII. [General Provisions](#)

Includes details regarding the statutory debt limit

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